

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GRACE C. BAUMGARTEN,

No. C 05-05221 WHA

Plaintiff,

v.

**ORDER DENYING REQUEST  
FOR APPOINTMENT OF  
COUNSEL**

CALIFORNIA BOARD OF  
EQUALIZATION,

Defendant.

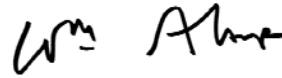
Plaintiff requests appointment of counsel in this Title VII employment-discrimination case. Under Title VII, a court has discretion to appoint counsel in such circumstances as it deems just. 42 U.S.C. 2000e-5(f)(1)(B). A court must evaluate: (1) whether the plaintiff demonstrates an inability to pay for private counsel; (2) plaintiff's efforts to secure counsel; and (3) whether the claims presented have merit. *Bradshaw v. Zoological Soc'y of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981).

Even assuming plaintiff could satisfy the second and third factors of the *Bradshaw* analysis, plaintiff has not made a sufficient showing with respect to her lack of financial resources. Plaintiff's request may be denied on that ground alone. On December 22, 2005, this Court denied plaintiff *in forma pauperis* status in this case. In her application for *in forma pauperis* status, plaintiff indicated that her husband is employed by the San Francisco School

1 District and earns a gross salary of \$5,053 per month, a fact plaintiff omits from her December  
2 16, 2005 letter. Plaintiff also indicated in her application that she and her husband own a house  
3 worth an estimated market value of \$615,000, although plaintiff contends in her instant request  
4 that the mortgage payments are cumbersome. Plaintiff is currently unemployed, but within the  
5 past year she received disability benefits totaling a gross of \$3,550 per month according to her  
6 *in forma pauperis* application. These facts evidence a lack of merit for appointment of counsel.  
7 Plaintiff's request, therefore, is **DENIED**.

8  
9 **IT IS SO ORDERED.**

10  
11 Dated: January 23, 2006



12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28